

REMARKS

This Application has been carefully reviewed in light of the Office Action dated April 9, 2007 ("*Office Action*"). Claims 1-31 are pending, and the Examiner rejects all pending claims. Applicant amends Claims 1, 11, and 21-31. Applicant respectfully requests reconsideration and favorable action in this case.

I. Rejection Under 35 U.S.C. § 112

The Examiner rejects Claims 1, 11, 21, and 31 under 35 U.S.C. § 112, second paragraph, asserting that the claims are indefinite. *Office Action*, p. 2. In particular, the *Office Action* asserts:

[T]he recitation, "if each of the vents in the template . . . , Presenting the template for acceptance", is vague and indefinite. It is unclear to the Office what the result is in the case when none of the events in the template have an associated service link.

Office Action, p. 2.

Without addressing the merits of the rejection, Applicant amends Claims 1, 11, 21, and 31 to hasten issuance of allowable subject matter. Applicant respectfully submits that the claims, as amended, comply with the requirements of 35 U.S.C. § 112, second paragraph, as the Examiner appeared to agree in the telephone conference held on July 3, 2007. Incidentally, Applicant respectfully notes that, in the context of the claims, "when" has the same meaning as "if."

Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 21-30.

II. Rejection Under 35 U.S.C. § 101

The Examiner rejects Claims 21-30 under 35 U.S.C. § 101, asserting that the claims are directed to non-statutory subject matter. *Office Action*, p. 2. As the Examiner appeared to agree in the telephone conference held on July 3, 2007, Applicant respectfully submits that the claims, as amended, comply with the requirements of 35 U.S.C. § 101. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 21-30.

III. Rejection Under 35 U.S.C. § 103

The Examiner rejects Claims 1-31 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0082877 issued to Schiff et al. ("*Schiff*") in view of U.S. Patent Application Publication No. 2004/0249684 issued to Karppinen ("*Karppinen*") and U.S. Patent Application Publication No. 2006/0212321 issued to Vance et al. ("*Vance*"). Applicant respectfully traverses the rejection on the ground that *Schiff*, *Karppinen*, and *Vance*, whether taken alone or in combination, fail to teach or suggest all limitations of the claims.

Consider Applicant's independent Claim 1, which recites:

- A method for dynamic service scheduling comprising:
 - identifying a template specifying a plurality of events;
 - determining a plurality of consumer descriptors;
 - accessing a remote service directory having service descriptors for each of a plurality of services;
 - filtering the services from the service directory based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services for fulfilling the events;
 - querying each of the potential services for additional service descriptors;
 - filtering the potential services based on the additional service descriptors, the events, and the consumer descriptors to determine selected ones of the services for fulfilling the events;
 - identifying service links for accessing the selected services;
 - modifying the template to associate the service links with the events;
 - determining whether each of the events in the template has an associated service link; and
 - when each of the events in the template has an associated service link, presenting the template for acceptance.

The references, whether taken alone or in combination, fail to teach or suggest every element of this claim.

For example, Claim 1 requires "identifying a template specifying a plurality of events" and "filtering the services from the service directory based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services for fulfilling the events." The proposed *Schiff-Karppinen-Vance* combination does not teach or suggest both the claimed plurality of events and the claimed services.

As teaching these and other aspects of Claim 1, the *Office Action* cites *Schiff*, Figure 8 and paragraphs 33, 44, and 100-101. *Office Action*, p. 3. In these cited sections, *Schiff*

describes a cruise booking system that identifies one or more cruises using consumer-based search parameters, for example including the customer's preferences and personal information. *Schiff*, ¶¶ 33, 44; *see id.* at Figure 8. The system may collect booking preferences (*e.g.*, desired occupancy per cabin, preferred region of the world, specific destination, etc.) and additional search criteria (*e.g.*, degree of flexibility of preferences, special restrictions such as handicaps or food requests, special discounts, etc.) in order to limit the number of cruises that the system identifies. *Id.* at ¶¶ 100-01.

Claim 1 requires “filtering the services . . . based on the service descriptors, the events, and the consumer descriptors to determine potential ones of the services.” Based on the *Office Action*, Applicant assumes that the Examiner points to:

- (1) the list of cruises to teach the claimed “services,”
- (2) the database information describing the cruises to teach the claimed “service descriptors,”
- (3) the consumer-based search parameters (*e.g.*, customer preferences, booking preferences, additional search criteria) to teach the claimed “consumer descriptors,” and
- (4) the identified cruises to teach the claimed “potential ones of the services.”

However, even assuming, for the sake of argument, that the disclosure of *Schiff* teaches or suggests these claimed aspects, the cited portion of *Schiff* still fails to teach or suggest “identifying a template specifying a plurality of events” where “the services [are filtered] . . . based on . . . the events,” as required by Claim 1. *Schiff* does not teach a template, let alone a template specifying a plurality of events. Moreover, the claim requires “filtering . . . to determine potential ones of the services for fulfilling the event.” The cited portion of *Schiff* also fails to teach or suggest these claimed aspects. *Vance* and *Karppinen* fail to remedy these deficiencies of *Schiff*. If the Examiner maintains that the references do, in fact, teach or suggest “events,” as required by the claim, Applicant respectfully requests clarification as to what aspects in the references allegedly teach or suggest the “events.”

Additionally, while discussing *Karppinen*, the *Office Action* appears to point to “potential bookings” to teach or suggest the claimed plurality of events. *See Office Action*, p. 4.¹ However, none of the potential bookings disclosed by any of the references teach or

¹ The *Office Action* states that it would have been obvious to modify *Schiff* with *Karppinen* in order to “include service links attached to potential bookings.” *Office Action*, p. 4. As Claim 1 requires “modifying the template

suggest the “plurality of events.” Claim 1 requires “filtering the services . . . based on . . . the events . . . to determine potential ones of the services for fulfilling the events.” *Schiff*, *Karppinen*, and *Vance*, whether taken alone or in combination, fail to teach or suggest filtering anything based on the potential bookings, as would be required by the claim.

Applicant thus respectfully submits that *Schiff*, *Karppinen*, and *Vance*, whether taken alone or in combination, fail to teach or suggest every element of Claim 1. Likewise, independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught or suggested by the references. Because the proposed *Schiff-Karppinen-Vance* combination fails to teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

to associate the service links with the events,” Applicant assumes that the *Office Action* points to the *Karppinen*’s potential bookings to teach the claimed events.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of this Application. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'K-M-P', followed by a long horizontal flourish.

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